

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12183, of Lillian E. Sullivan, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the use provisions (Section 3103) to permit a flat in the R-3 District at the premises 1327-1327½ - 35th Street, N.W., Lot 80, Square 1228.

HEARING DATE: September 15, 1976  
DECISION DATE: September 28, 1976

FINDINGS OF FACT:

1. The property is located in an R-3 District.
2. The building has two (2) self-contained one (1) bed room flats, first and second floors with separate entrances.
3. The first floor has been used as a flat for thirty years and will continue to be used as such.
4. The last Certificate of Occupancy was issued in 1929 for a grocery store, first floor.
5. The building has a show window in front and is next to a barber shop.
6. No changes are contemplated for the structure.
7. Applicant was unaware that her use of the first floor as a flat was not allowed in an R-3 District until she applied in 1974 for a certificate of occupancy under the rent control regulations.

CONCLUSIONS OF LAW

Based on the record the Board finds that the strict application of the Regulations herein would result in exceptional and undue hardship upon the owner of the property. The Board further finds that the relief sought can be provided without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the application be GRANTED.

VOTE: 3-0 (Leonard L. McCants, Esq., William F. McIntosh, & William S. Harps, to Grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER: *December 8, 1976*

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THAT THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.